REMARKS

Claims 1-14 and 25-38 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. §§ 102 AND 103

Claims 1-14 and 25-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Schmid et al. (U.S. Pat. No. 6,495,278, hereinafter "Schmid"). This rejection is respectfully traversed.

At the outset, Applicant notes that Schmid does not teach the features suggested in the Office Action. Specifically, in rejecting claims 1 and 25, the Office Action indicates that "a sealing layer (component 50) adheres the land portions of said plate to secure direct contact between the first diffusion media and the separator." Again Applicant reiterates that there is no teaching or suggestion in the Schmid reference of the sealing layer adhered to the land portions between adjacent flow channels to secure direct contact between the diffusion media and the plate. In response to these previously presented arguments, the Office Action indicates that "[t]he bonding agent does secure the direct contact between the diffusion layer and the plate," defining the diffusion layer in Schmid as being "between the plate and the electrode." The Office Action goes on to conclude that "[t]he bonding agent bonds the MEA 5 and the plates 11 and 12 on each side, thus securing a direct contact between the diffusion media and the fluid flow plate and seals the first surface."

As indicated in Schmid, "[a]dhesive bonding agent 50, used for sealing the gas spaces, runs along the outer edges of MEA 5." (col. 6, lines 58-60). While the adhesive bonding agent (50) of Schmid may engage the MEA (5), it does so at regions outside of the flow channels (20, 21). Further, it is unclear which portions of Schmid the Examiner is referring to in support of the assertion that the bonding agent "secur[es] a direct contact between the diffusion media and the fluid flow plate and seals the first surface." After review of Schmid, Applicant respectfully submits that there is in fact no teaching of the adhesive bonding agent (50) securing a direct contact between the diffusion media and the fluid flow plate (11, 12) and sealing the first surface.

Rather, it appears that Schmid shows the adhesive bonding agent adhered to the PEM layer 2 at regions outside of the flow channels (20, 21). It is unclear how this teaches the bonding agent (50) securing a direct contact between the diffusion media and the fluid flow plate. Therefore, Applicant respectfully submits that claims 1 and 25 are in condition for allowance. If the Examiner is to maintain this rejection, Applicant respectfully requests clarification on where this feature is taught in Schmid.

Claims 2-14 depend from claim 1 and claims 26-38 depend from claim 25 and should be in condition for allowance for the reasons set forth above. Therefore, reconsideration and withdrawal of the rejection of claims 1-14 and 25-38 are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 17, 2008

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